

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

David A. Leone!

(Enter above the full name of the plaintiff(s), including prisoner number, in this action. If you cannot list all plaintiffs in the space provided, please write "see attached" and list all names on an additional page.)

v.

Paul Bailey
Lt. Herbert

(Enter above the full name of the defendant(s) in this action. If you cannot list all defendants in the space provided, please write "see attached" and list all names on an additional page.)

COMPLAINT
(Print Clearly)

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$402.00 filing fee regardless of whether your complaint is dismissed.

A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes No

B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

NIA

2. Is the action still pending? Yes No

a. If your answer was no, state precisely how the action was resolved: NIA

3. Did you appeal the decision? Yes No

4. Is the appeal still pending? Yes No

a. If not pending, what was the decision on appeal? NIA

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes No

a. If so, explain: NIA

FILED - GR

November 21, 2022 12:42 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY:JMW SCANNED BY: KB / 11-21

1:22-cv-1086
Phillip J. Green
U.S. Magistrate Judge

II. Parties

A. Plaintiff(s)

Enter your name, place of confinement, address, and place of confinement during the events described in the complaint in the blanks below. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff David A. Leon

Place of Present Confinement Berrien County Jail

Address 919 Port St. Saint Joseph, MI 49085

Place of Confinement During Events Described in Complaint Berrien County Jail

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. Provide the same information for each additional defendant. If there are more than six defendants attach extra sheets as necessary.

Name of Defendant #1 Paul Bailey

Position or Title Sheriff Berrien County

Place of Employment Berrien County Jail

Address 919 Port St. Saint Joseph, MI 49085

Official and/or personal capacity? Official and Personal capacity

Name of Defendant #2 Lt. Herbert

Position or Title Lt.

Place of Employment Berrien County Jail

Address 919 Port St. Saint Joseph, MI 49085

Official and/or personal capacity? _____

Name of Defendant #3 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #4 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #5 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

III. Statement of Claim

State here the facts of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Do not include unrelated claims. Use as much space as you need. Attach extra sheets if necessary.

Introduction: While at the Berrien County Jail, I was moved to a higher security dorm and I was assaulted, which lead jaw being broken, Face swollen and busted lip, Broken glasses and black and blue and swollen eye right. Without no justifiable reasons.

1.) On March 31st 2022 I was moved to the MDOC Prisoner Dorm at the Berrien County Jail.

2.) On March 31st 2022 while in the MDOC Prisoner Dorm and MDOC Prisoner was on lock down was intentionally released from his cell and committed assault on my person.

3.) On March 31st 2022 I was sent to Lakeland Hospital to receive medical attention from the injuries that was committed on my person. (I will obtain and send to the courts my Medical Records of my injuries when applicable)

4.) I will like to leave open the

NAME: Dave Lewis TO: _____

LOCATION: B _____ C _____ (or) Dorm 1-H-15 _____

919 Port Street, St. Joseph, Michigan 49085 _____

JAIL INFORMATION: (269) 982-8670 DATE: 11-16-22

opportunity to amend my Complaint when necessary.

Signed: _____

IV. Relief

State briefly and precisely what you want the court to do for you.

I want the court to fine each one of the defendants \$100,000.00 for my personal and emotional injuries.

V. Notice to Plaintiff Regarding Consent

In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including a jury trial and entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil trials. Accordingly, the magistrate judges are generally able to schedule prisoner civil rights cases for jury trial much sooner, and they are able to provide firm trial dates. Magistrate judges are experienced trial judges who handle a great number of prisoner civil rights cases.

Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle all dispositive motions by report and recommendation.

Please check **ONE** box below to indicate whether you voluntarily consent to proceed with a United States magistrate judge or if you would instead prefer that the case be assigned to a district judge.

I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.

I request that this case be assigned to a district judge.

11-16-22
Date


Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

David Leon
Berrien County Jail
919 Port Street
St. Joseph, MI 49085

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States District Court
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